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Economic and Social Council

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Committee on Economic, Social and Cultural Rights
Sixty-fourth session

Summary record of the thirty-sixth meeting
Held at the Palais des Nations, Geneva, on Thursday, 27 September 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Argentina

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Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Argentina (E/C.12/ARG/4; E/C.12/ARG/Q/4 and E/C.12/ARG/Q/4/Add.1)

1. *At the invitation of the Chair, the delegation of Argentina took places at the Committee table.*

2. **Mr. Avruj** (Argentina), introducing his country's fourth periodic report, said that December 2015 had marked a turning point for Argentina, as it had resumed an open dialogue with the world and had entered into a new phase of institution-building. The country was undergoing a paradigm shift, having abandoned the populist policies of the past decade in favour of realistic policies aimed at finding joint solutions to its problems.

3. However, the path towards a new Argentina characterized by truth and transparency would likely be fraught with difficulty. Faced with a complex economic situation, the Government had negotiated a deal with the International Monetary Fund (IMF) in order to meet its commitments while keeping financing costs to a minimum. The current poverty rate and structural deficiencies were attributable to the squandering of large amounts of public money which, owing to corruption, had never reached their intended destination. However, Argentina was committed to restoring confidence in an independent judiciary that would never again countenance impunity for perpetrators of corruption and was working to strengthen its social policies in an effort to combat poverty. It was hoped that, in 2018, 56.4 per cent of primary spending in the public sector would be invested in social benefits.

4. Since active public policies were a prerequisite for the full realization of human rights, the Government had ensured that, in the draft budget currently before the National Congress, core public policies were aligned with the Sustainable Development Goals and the national goals set out in the 2030 Agenda for Sustainable Development. The restructuring of the National Statistics and Census Institute had strengthened the country's statistical capacities and ability to produce reliable statistical data. As pointed out by the United Nations High Commissioner for Human Rights, Argentina had shifted its position on visits from special rapporteurs and working groups, which it was now willing to receive. The progress that it had made in advancing the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons had likewise been recognized by the Inter-American Commission on Human Rights.

5. Argentina was one of the first countries in the region to adopt a national action plan on human rights. The plan mainstreamed a human rights perspective in public policy implementation by setting out 243 priority commitments related to human rights along with goals to be achieved by 2020. The process of implementing the plan at the federal level, which had begun in 2018, would serve to advance the promotion and protection of human rights throughout the country. The open and constructive debate on the law to decriminalize abortion within the National Congress was a testament to the progress being made in that direction. The Government understood that social inclusion policies should not only address economic or income-related issues but respond to specific needs with a view to guaranteeing rights for all persons, including migrants. Argentina operated and would continue to operate an open-door policy, having already taken in some 100,000 Venezuelan nationals in addition to Senegalese and Syrian migrants.

6. The Government continued to support the implementation of policies on memory, truth and justice, and reparation, and the conduct of judicial proceedings for crimes against humanity. Progress was being made in spite of the aspersions cast on the Government's commitment to that cause by mean-spirited political opponents. In fact, better results had been achieved in terms of prosecuting crimes against humanity under the incumbent administration than under its predecessors. By identifying the fallen soldiers buried in Darwin Cemetery, the Government had made the greatest humanitarian gesture to date to

honour the heroes of the Malvinas War and to provide their families with the support long denied to them by the State.

7. In the area of education, the most ambitious scholarship programme in the country's history had been launched with the aim of increasing the compulsory and higher education completion rate of students between the ages of 18 and 30. To date, more than 500,000 students were in receipt of a scholarship.

8. **Mr. Uprimny** (Country Rapporteur) said that Argentina, despite being an upper-middle income country with vast natural resources and a high level of human development, still struggled to achieve inclusive social development. Indeed, its current poverty rate and Gini coefficient were unacceptable for such a developed country. The recent currency crisis, which had prompted the State party to conclude a US$ 50 billion financing deal with the IMF and to adopt severe adjustment and austerity measures in an effort to quickly clear its tax deficit, was a major cause for concern. Recalling the criteria and guidance set out in the Committee's general comment No. 19 (2008) on the right to social security and its substantive statement of July 2016 on public debt, austerity measures and the Covenant (E/C.12/2016/1), he asked how the State party, in applying those measures, would ensure that it continued to meet its obligations under the Covenant.

9. The Committee was also concerned that the drop in tax revenue attributable to the abolition of duties on mining and agricultural exports and to cuts in progressive taxes, such as income tax, would lead to a reduction in the resources available for the realization of economic, social and cultural rights and to an increase in economic inequality, which could disproportionately affect vulnerable groups. Given that the tax cuts made to date had not yielded the economic growth expected and that the State party's public debt had grown in recent years, it would be helpful to know how it intended to replace that lost tax revenue without undermining the realization of Covenant rights or relying on regressive taxation. Although the State party had made a number of adjustments to maintain purchasing power, including by providing retirees and pensioners whose pensions did not exceed the minimum with partial refunds of value-added tax (VAT), their impact appeared to be limited. Above all, the State party should avoid taking measures that would limit the redistributive capacity of its taxation system and exacerbate economic inequality.

10. He asked whether, in order to remedy the drop in tax revenue, the State party had considered reviewing its generous tax exemption scheme, particularly as the total value of the tax exemptions offered was seemingly almost equal to the tax deficit in question. He also wondered whether the State party had conducted a study with a view to determining which exemptions were truly necessary and justified, including those enjoyed by senior judicial officials.

11. The Committee was concerned by the weakening of some of the key institutions responsible for guaranteeing the enjoyment of economic, social and cultural rights. The decision to assign the functions of the former Ministry of Labour, Employment and Social Security to a department within the recently renamed Ministry of Production and Labour was particularly regrettable. That decision might limit the capacity of the Ministry of Production and Labour to mediate in labour disputes, as it could choose to prioritize production needs over respect for labour rights. He asked how the State party planned to prevent institutional changes of that nature from undermining the effectiveness of social policies and whether it might reconsider reversing the decisions taken in that connection.

12. He was disappointed to learn that, despite the Committee having called upon the State party to revise the procedures for appointing an Ombudsman in order to speed up the recruitment process, the post had still not been filled. He asked, given the essential nature of the functions of the Ombudsman's Office, what steps the State party was taking to rectify that situation.

13. While the State party's improved ability to produce reliable statistical data following the restructuring of the National Statistics and Census Institute was a positive development, the unavailability of historical statistical data effectively prevented the Committee from assessing the evolution of the social situation in the country. He asked what the State party was doing to guarantee the availability of historical statistical data and the reliability of statistical data produced in the future and to avoid the deficiencies that had marred the

previous statistical system. He wondered whether the State party had considered making the National Statistics and Census Institute independent of the Government.

14. The Committee had received reports detailing the violent repression by the authorities of social protests against the treatment meted out to, inter alia, labourers, teachers and the Mapuche community. He asked what steps the State party was taking to ensure that such incidents were properly investigated, to prevent the unnecessary and disproportionate use of force against persons taking part in social protests and to guarantee the free exercise of the right to protest.

15. Despite the progress made by the State party in ensuring non-discrimination and in promoting gender equality, there were still a number of areas where there was room for improvement. It was his understanding that the national anti-discrimination plan adopted several years previously had still not been implemented. The delegation might confirm whether that was the case. Moreover, members of the LGBTI community still encountered discrimination in access to employment, harassment in the education system and problems in registering same-sex marriages and changes in gender, despite the enactment of legislation guaranteeing those rights. Significant gender disparities persisted in the labour market in the form of a large gender wage gap, a glass ceiling preventing women from occupying senior positions in certain sectors and the overrepresentation of women in the care sector.

The meeting was suspended at 3.30 p.m. and resumed at 3.40 p.m.

16. **Ms. Díaz Frers** (Argentina) said that the currency crisis and the country's economic volatility could be partly attributed to its worst drought in 50 years, the increase in interest rates in the United States, the increase in oil prices and the crises in Brazil and Turkey. However, the Argentinian economy had already been in a fragile state on account of its large tax and external deficits. The Government was making fiscal adjustments to mitigate the need for financing arrangements that might exacerbate the situation while protecting social expenditure, particularly income transfer programmes. Those programmes accounted for approximately 11 per cent of the country's gross domestic product and had served to reduce its poverty rate by some 20 per cent. Ninety-eight per cent of persons aged 65 years or over were covered by either a contributory or non-contributory pension scheme. Many women had been able to access a pension scheme by paying arrears. New initiatives such as a universal pension scheme for older persons had also been launched. Retirement pensions were updated every three months in keeping with the inflation rate and the adjustable minimum living wage.

17. Steps were also being taken to protect expenditure on children. The Government would only countenance increasing the country's tax deficit if it was done to increase social programme coverage for children, which currently stood at 92.6 per cent. It was hoped that 100 per cent coverage could be achieved through family allowances, deductions for two-income households, universal child allowance and maternity allowance. Those allowances were likewise updated every three months in keeping with the inflation rate and the adjustable minimum living wage. There were plans to increase the amount of the universal child allowance by 10 per cent by the end of 2018 so as to guarantee all families with children a minimum income.

18. Initially, the Government had decided to abolish the duties on mining and agricultural exports gradually in order to reduce the country's tax burden, as it considered those duties to be a bar to reducing the external deficit that had made the country's economy so vulnerable. However, following the onset of the currency crisis, it had suspended the gradual abolition of those export duties and had even gone as far as applying new duties to all exports in the form a lump sum so as to keep distortions to a minimum. The new duties would increase the country's gross domestic product by 1 per cent, which would help to reduce cuts in expenditure.

19. A number of new tax exemptions had been introduced which provided partial refunds for the recipients of family allowances and partial VAT refunds for certain retirees and pensioners. The most generous exemptions had the effect of reducing VAT on food to 50 per cent and of abolishing VAT on certain services altogether. Although the tax exemptions enjoyed by judges were currently under review, it would be difficult to modify

them, as judges maintained that any change to their income would affect their independence. Several income tax exemptions had already been abolished. However, others had to be maintained as to abolish them would lead to an increase in public expenditure to compensate the lost income.

20. Between late 2015 and June 2018, new regulations had been introduced to increase the robustness and reliability of statistics. The aim was to develop new strategic domains that would be adapted to the Access to Information Act. All statistical information should be freely available and easily accessible. To that end, a number of programmes had been introduced to familiarize the public with statistics and publish data on digital platforms. In addition, the publication of new statistics or data included methodological reports accounting for changes since the previous data had been published. However, it was difficult to compare different data owing to unreliable data collection methods used in the past.

21. **Mr. Szuchet** (Argentina) said that the decision to restructure certain ministries had been taken to simplify decision-making by centralizing some authorities and reducing the number of jurisdictions. In addition, the President had decided to reduce and reorganize his cabinet to facilitate improved coordination between ministries. It should be noted that some secretariats received the same budgetary resources as the former ministries they had replaced. The restructuring included the creation of a new higher authority in the hierarchy of public bodies, but the organizational structure of secretariats and subsecretariats remained unchanged. The aim of the restructuring model had been to bring together those politically responsible for defining public policy with the relevant government secretariat. Ministries would continue to work with the President to implement policies, but policies requiring coordinated action could be streamlined through a centralized agency that examined cross-cutting issues.

22. **Mr. Schapira** (Argentina) said that the Ombudsman was appointed by the bicameral committee on the Ombudsman's Office and the National Congress. A resolution on the appointment of an Ombudsman had been hindered by the partial dissolution of the National Congress in 2017, despite the resolution meeting all necessary legal requirements. As concerns had been expressed about the appointment process, the legislature intended to improve it in line with relevant instruments and resolutions of United Nations agencies and other organizations, including the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Consequently, there would be public hearings for candidates and activities to raise awareness of the appointment process, and the Chamber of Deputies would soon be sending a list of candidates to the bicameral committee.

23. Freedom of expression and freedom to protest, within the boundaries of the law, were guaranteed. Over 5,000 requests for public demonstrations had been submitted in 2017. Legal proceedings were under way to examine the violence that had taken place during two days of public protest about pension reform in December 2017. In that instance, acts of violence, including the use of improvised weapons against the police, had been caught on video, although some police officers had also used excessive force.

24. Turning to some individual cases of interest to the Committee, he said that Milagro Sala was being held under house arrest in Jujuy, and the case remained sub judice. She was being held as a precautionary measure, ordered by the Inter-American Court of Human Rights and upheld by the Supreme Court, while allegations of embezzlement and misuse of funds were investigated. The case of Rafael Nahuel, involving a group seizing land to which they were not necessarily entitled, was the subject of a judicial investigation. The case of a number of lecturers and teachers being evicted from a tent they had erected without permission in front of the National Congress was before the Inter-American Court of Human Rights.

25. **Mr. Szuchet** (Argentina) said that the case of Rafael Nahuel remained sub judice, but the decentralized body responsible for indigenous affairs was monitoring the case. More generally, the actions by the law enforcement authorities in the case of demonstrations or evictions, including the use of force, required a warrant or order issued by a judge.

Regarding human rights defenders, all guarantees and processes were being assured and carried out by the Public Prosecution Service until an Ombudsman was appointed.

26. **Ms. Quinteros** (Argentina) said that the National Institute to Combat Discrimination, Xenophobia and Racism was considered a model for other South American countries. It had been developing an interactive map of discrimination and had almost completed a national anti-discrimination plan, based on the 2005 National Plan to Combat Discrimination. The new plan would be implemented alongside the national action plan on human rights.

27. Legislative progress on sexual identity and diversity had been made at all levels since the establishment of the National Sexual Diversity Coordination Unit. Cooperation with the different provinces was vital, owing to their varying individual situations, and the Unit aimed to ensure that public policy on sexual identity and diversity was standardized at the federal level. Its work included mapping all legislative projects and programmes implemented nationwide to determine their impact on LGBTI people, with a focus on investigations of hate crime. It also aimed to achieve basic minimum standards for the treatment of transgender people in conflict with the law, and to ensure that the children of divorced parents could amend their information in the civil register as easily as possible.

28. In 2016, the Ministry of Security had established a department for sexual diversity, which was led by a transgender woman. It focused on institutional violence and the harassment of LGBTI people within the security forces. It had provided training to over 15,000 people in 2016, and had successfully introduced changes such as the introduction of transgender wings in federal and provincial prisons for women.

29. Since the introduction of the Gender Identity Act, 6,870 changes had been made to the civil register, 103 of which had related to transgender children. The Government was working to help other countries in the region to adopt similar practices. The national plan on business and human rights, presently under development, would include a chapter on sexual diversity in business to facilitate access to employment for LGBTI people. There was also a programme on the employment and social integration of transgender people, which had been most successful in the provinces of Santa Fe and Buenos Aires; for example, over 30 people had been offered jobs by the City of Buenos Aires.

30. **Ms. Oizerovich** (Argentina) said that the Sexual and Reproductive Health Directorate worked to implement legislation on sexual and bodily diversity; provide training for health-care professionals; raise awareness of how to ensure decent and respectful treatment of gender-diverse people; look into registration in the health-care system and the treatments available in different provinces; and move away from the pathology model in legislation relating to issues of gender diversity. It had also prepared a survey on the living conditions of transgender people.

31. The Directorate was working to ensure that surgical and hormonal treatments for gender-diverse people were included in health-care programmes. In 2014–2015, it had carried out a national analysis of the health-care facilities providing treatment and assistance in that area. Guidelines for health-care professionals on providing comprehensive health care for transgender people were under development. In addition, the Directorate had extended its work to children and adolescents, and was collaborating with the scientific community and the Directorate for HIV and Sexually Transmitted Diseases. A free hotline had also been set up to provide advice and support related to sexual health.

32. **Ms. Brandy** (Argentina) said that, since 2011, there had been a coordination unit for sexual health that worked with government bodies, academia, civil society organizations, trade unions and other relevant actors. The coordination unit held meetings with representatives of such bodies, as well as round tables, mainly with civil society organizations, on topics such as sexual diversity in employment, and had organized an interministerial round table to promote non-discrimination and equal opportunities for LGBTI people.

33. In 2013, the training and social security available to transgender people had been extended by the Ministry of Labour, ensuring access to appropriate benefits and welfare. With the involvement of civil society organizations, social security coverage had been

guaranteed nationwide. The National Council for the Coordination of Social Policies had worked with local and provincial authorities to provide a tripartite approach to issues of gender diversity in employment through social dialogue, and had also worked with the National Human Resources Unit at the former Ministry of Labour on institutional measures in line with the law on gender identity. The Council had also provided training for its staff.

34. **Ms. Quinteros** (Argentina) said that the National Action Plan on the Prevention, Punishment and Eradication of Violence against Women 2017–2019 had been launched in 2016. There were two offices within the judiciary responsible for addressing domestic violence, one being the Domestic Violence Office of the Supreme Court. The National Council of Women had instituted the first national programme on equal rights and opportunities, which was supported by the Government and would become operational in October 2018. Argentina had been the first country in the world to introduce a legal quota for elected officials, requiring 30 per cent of them to be female, and, in 2017, had increased the quota to 50 per cent.

35. There remained fewer women than men in the labour market, and women spent more time than men doing unpaid work. According to the most recent available information from the International Labour Organization, women earned 27.2 per cent less than men in the formal sector, and the gap increased among women who had a low level of education or worked in the informal sector. A section of the September 2018 agreement between Argentina and the IMF was dedicated to support for gender equality measures, and empowering women was one of the priorities for the 2018 Argentine Presidency of the Group of 20 (G20).

36. **Mr. De Schutter**, referring to the exploitation of unconventional fossil fuels, asked whether the fracking operations in Vaca Muerta were consistent with the Paris Agreement under the United Nations Framework Convention on Climate Change, in particular the reference to the "highest possible ambition" in article 4 (3). He said he was surprised that, despite the well-documented adverse effects of fracking, none of the provinces aside from Mendoza had adopted specific rules on fracking activities. He wished to draw the State party's attention to the Committee's 2016 recommendation to Canada regarding the need to conduct consultations with local communities prior to the use of fracking. In that connection, he wished to know whether human rights, especially the rights to water, housing, health and food, were included in impact assessments carried out before fracking projects, and if not, why not. Where the impact on rights was deemed justified in the light of the expected benefits of fracking, how was the balance struck between competing considerations?

37. **Mr. Kerdoun** said that it would be helpful to know how the emergency measures taken to address the crisis facing the State party and to meet the draconian conditions imposed by the IMF would affect the realization of economic, social and cultural rights in Argentina.

38. **Mr. Kedzia** asked to what extent the State party had taken into account the Committee's guidance on the application of austerity measures and cooperation with lending institutions, notably the Committee's substantive statement on public debt, austerity measures and the Covenant, in deciding how to address the current crisis.

39. **Mr. Uprimny** said that, when considering austerity measures through the lens of Covenant rights, the protection of vulnerable groups was important, but so too were other aspects, such as consultations and the impartial assessment of the measures. He wished to know whether the newly reinstated duties on exports were temporary and whether the Government believed they would really have the expected benefit, given the devaluation of the peso. He would appreciate additional information on the allegations by civil society organizations of police brutality during demonstrations.

40. **Ms. Diaz Frers** (Argentina) said that the Government's intention was to accelerate the reduction of the deficit but, owing to the level of the interest repayments, it would have to continue to run a deficit for a few years. It had opted for fixed export duties as they were believed to cause fewer distortions in the market. In the coming year, the Government planned to increase expenditure to protect vulnerable groups, especially children and older persons, by 0.2 per cent of gross domestic product. It also aimed to achieve universal access

to clean drinking water and 75 per cent access to a sewage system. It was attempting to shield the vulnerable population from the effects of the elimination of energy and transport subsidies by applying "social" tariffs for such services. The Government was seeking to reduce expenditure by promoting more public-private partnerships and, while it was rationalizing spending on goods and services, funds earmarked for education and health care were being left intact. The reduction of discretionary transfers to the provinces was more than offset by the introduction of automatic transfers, which had the added advantage of protecting the provinces from the vagaries of changes in government. The Government fully expected to achieve a primary balance by 2019.

41. **Ms. Quinteros** (Argentina), noting that Argentina had the world's second-largest reserves of shale gas, said that political instability had cost the country its energy self-sufficiency. In response, the current Government had begun courting private investment with a view to regaining self-sufficiency and lowering the price of oil. While Argentina was strongly committed to the Paris Agreement, there was a need for greater coordination, as natural resources belonged to the provinces, not the federation. Argentina had a national environmental policy, a law on hazardous waste and another on a minimum budget for the management of water resources. Neuquén Province had the most advanced regulatory framework for the environment in the country, and its regulations covered fracking. The framework was based on standards used by the United States Environmental Protection Agency and required businesses operating in Vaca Muerta to hold an environmental certificate. The general public was also encouraged to take part in environmental impact assessments.

42. **Ms. Diaz Frers** (Argentina) said that it was important to remember that Argentina had been running a grossly underestimated deficit for many years, compounded by inaccurate reporting of income and expenditure and by "invisible debt" that Argentina had eventually been forced to reimburse in 2016. An IMF loan was the least expensive way of reversing the deficit while continuing to protect vulnerable groups.

43. **Mr. Szuchet** (Argentina) said that law enforcement protocols applied to all demonstrations and any breaches thereof were liable to prosecution. Further information on the cases of alleged police brutality raised by the Committee would be provided in writing.

44. **Mr. Chen** (Country Task Force) said that the Government had a duty not only to facilitate the organization of demonstrations but also to make every possible effort to prevent peaceful gatherings from turning violent.

45. Noting the considerable rise in unemployment from 5.9 per cent in 2015 to over 9 per cent currently, he said that it would be interesting to know how the State party intended to tackle unemployment, especially among young women, in the current economic situation. Referring to paragraph 85 of the report, he wished to know to what social security benefits the 60 per cent of unregistered workers who had not been able to regularize their employment status were entitled. It would be helpful to know whether and how the Government intended to reinstate regular benefits under the non-contributory pension system, in particular for persons with disabilities. Lastly, he would appreciate information on measures taken to address underemployment, especially in the informal sector.

46. **The Chair** said that she would like to know how many non-contributory pensions for persons with disabilities had been stopped in 2017 without due warning or due process, how many complaints had been lodged as a result of that action and how many such pensions had been restored. The Committee had been informed that the age of access for women to the non-contributory pension had been increased from 60 years to 65 years. Comments in that regard would be welcome. She would also like to know what the impact on child poverty rates would be of the recently introduced restrictions relating to universal child allowance payments to migrants legally resident in Argentina for less than three years and women with seven or more children. Information on employment programmes for women in rural regions, on their impact, on related obstacles and on potential areas for improvement in that regard would be useful. It would be interesting to hear why so few new trade unions had been registered in the past year.

The meeting was suspended at 5.10 p.m. and resumed at 5.25 p.m.

47. **Ms. Diaz Frers** (Argentina) said it was true that unemployment was particularly high among women and young people; programmes had been set up to help them find work. In 2016, the unemployment rate had stood at 10.3 per cent. The current rate of around 9 per cent was slightly lower than that for the period 2004–2006, a time of significant national economic recovery. There were plans to introduce education grants for young people to allow them to complete their studies, with the highest achievers being offered jobs. A number of existing employment, training and work programmes were currently being overhauled and merged into a single unified programme to ensure greater coherence at the policy level. In addition, a scheme had been set up to help beneficiaries of social programmes enter the formal labour market; under the scheme, they would receive supplementary financial payments.

48. Under the contributory social security system, the retirement age had been set at 65 years for men and 60 years for women. In order to cover all persons who had not made sufficient contributions, a universal old-age pension had been established, paid to all persons aged 65 years or over. Owing to the pension replacement rate and increases in life expectancy, the average retirement age for women was currently 63 years, despite the fact that they could retire at the age of 60 years.

49. **Ms. Brandy** (Argentina) said that the Argentine social security system was composed of a contributory component, covering pensions and family benefits for employees and their dependents, and a non-contributory component, which helped to safeguard the social and economic rights of those sectors of the population not in formal employment. The non-contributory component provided for pensions and universal child allowance, an allowance for children with disabilities and a prenatal allowance. In total, 98 per cent of the population aged 65 years or over was covered by the social security system. The total number of such beneficiaries stood at 9 million, 5 million of whom fell under the non-contributory component.

50. Currently, the domestic legal framework did not provide for a specific disability pension. Although an occupational invalidity pension had been introduced under Act No. 13.478 of 1948, it was not in line with the provisions of the Convention on the Rights of Persons with Disabilities. The National Social Security Administration had been made responsible for the administration of non-contributory pensions, the aim being to better serve the most vulnerable sectors of the population and to streamline the payment process for them. In the past few years, significant numbers of occupational invalidity pensions had been stopped because it had been found that the beneficiaries in question had not, in fact, been entitled to those benefits, either because they had been receiving other benefits in tandem, contrary to the applicable regulations, or because they had failed to declare certain assets. Work was ongoing to reform the legislation on pensions to take into account the needs of persons with disabilities. However, the existing requirements for potential beneficiaries would remain in place for the time being.

51. Following a detailed study, it had been found that a number of trade unions seeking to register had failed to meet certain legal and regulatory requirements. Such trade unions had been informed of the need to provide additional information in that regard but had either failed to do so, or had done so only once the corresponding deadline had passed.

52. **Ms. Diaz Frers** (Argentina) said that women with seven children or more had an inalienable right to a non-contributory pension. Moreover, depending on their income, such women had the right either to tax deductions for each child or assistance under the contributory system. If they were not in the formal labour market, they were entitled to universal child allowance for the first five of their children. Migrants working in the formal labour market were immediately entitled to benefits, like any other resident of Argentina, even if they paid their taxes under the simplified tax regime and were not classed as economically dependent workers. Only migrants not in formal employment were asked to provide proof of three years' residence. Children of migrants born in Argentine territory acquired Argentine nationality immediately and were thus entitled to universal child allowance.

53. **Ms. Liebenberg** (Country Task Force) said that she would like to know what new measures had been taken to prevent violence against women, in particular in rural areas.

and what budgetary allocations had been made for support services for victims of violence. Information would be welcome on the number of successful prosecutions of traffickers in persons and their accomplices and on any measures taken to assist and protect their victims and reintegrate them into society.

54. It would be interesting to hear whether any steps had been taken to ensure that working and middle-class families, small enterprises and cooperatives could afford to pay their utility bills and were able to remain financially secure.

55. She would be interested to hear the delegation's views on the recent comments by the Special Rapporteur on the right to food to the effect that family farms lacked government support and were losing out to large agribusinesses, and that a significant proportion of the population was affected by food insecurity. Information would be welcome on any measures taken to support family farming within campesino and indigenous communities and to strengthen their security of land tenure. An update on the status of the implementing regulations for Act No. 27.118 on family farming would also be appreciated.

56. She would like to know how the State party reconciled its commitment to regularize and upgrade the rising number of informal urban settlements with the recent massive cuts in expenditure on infrastructure and public utilities and services, and how the populations of those settlements would be affected by the cuts.

57. Information would be welcome on any plans to put in place a legal framework and protocols regulating evictions that reflected the procedural and substantive guarantees set out in the Committee's general comment No. 7 on the right to adequate housing, and on the status of the bill suspending evictions in urban areas for the next four years.

58. It would be useful to hear about any government strategies to control speculation in the housing market.

59. There had been reports of cuts to health programmes that affected persons with disabilities and recipients of non-contributory pensions. The Committee had noted the disappointing decision of the Senate to reject a bill decriminalizing abortion during the first 14 weeks of pregnancy. She asked what was being done to ensure that a protocol for legal abortions was put in place across the country, in line with the Supreme Court ruling of 13 March 2012. Information would be welcome on any measures adopted to ensure a transition to alternative measures of outpatient care for persons with psychosocial disabilities to enable them to integrate into the wider community. Lastly, she wished to know what measures had been taken or proposed to tackle the obesity epidemic and to discourage tobacco use, including restrictions on the marketing of tobacco products and ratification of the WHO Framework Convention on Tobacco Control.

The meeting rose at 6 p.m.

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Committee on Economic, Social and Cultural Rights

Sixty-fourth session

Summary record of the 37th meeting

Held at the Palais des Nations, Geneva, on Friday, 28 September 2018, at 10 a.m.

Chair: Ms. Bras Gomes

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Please recycle

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Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Argentina (*continued*) (E/C.12/ARG/4; E/C.12/ARG/Q/4 and E/C.12/ARG/Q/4/Add.1)

1. *At the invitation of the Chair, the delegation of Argentina took places at the Committee table.*

2. **Mr. Foradori** (Argentina) said that while some countries hid behind the principle of non-interference in domestic affairs to avoid scrutiny of their human rights record, Argentina recognized the value of "non-indifference" on the part of the international community because the actions of the country's military dictatorship had come to light partly thanks to the scrutiny of the Inter-American Commission on Human Rights. The Argentine delegation therefore welcomed the Committee's interest and would present its problems, challenges and achievements in a transparent manner.

3. **Mr. Szuchet** (Argentina) said that the main objective of the National Plan for the Regularization of Employment was to transform precarious work into decent employment through the registration of workers, especially those without social security coverage. The Plan was also an instrument for safeguarding labour rights and for changing the behaviours of employers who violated them. In 2017, the Government had conducted inspections at over 183,000 establishments, and had discovered that over 30 per cent of the workers in them were not properly registered. As a result, fines had been imposed on a number of companies and the situations of over 61,000 employees had been regularized. Some 138,000 inspections had already been carried out in 2018.

4. It was estimated that 900,000 people had signed up to the "Empalme" employment programme, while another 30,000 were receiving vocational training in the private sector and would have the opportunity to secure a formal job upon completion of their training. The Government recognized the problem of unemployment among persons with disabilities and young people and prioritized public policies for their employment. The More and Better Work for Youth Programme provided work experience for unemployed persons in the 18 to 24 age group who had not completed primary or secondary education, of whom women accounted for 42 per cent. In the Good Harvest Programme, the Government worked with trade unions and companies towards the eradication of child labour through the creation of rural socio-educational centres for the children of migrant seasonal workers.

5. **Ms. Quinteros** (Argentina) said that closing the wage gap between women and men was a priority; however, it was too early as yet to measure the impact of the public policies and programmes that had been adopted for women's economic inclusion and labour market access. Those programmes included: the Women Leaders Programme launched in 2018 by the Bank of Investment and Foreign Trade to support small and medium-sized enterprises (SMEs) part-owned or managed by women; the Women Exporters Programme, launched in 2017 by the Argentine Investment and Trade Promotion Agency to boost exports by SMEs owned or led by women; a Ministry of Production and Labour programme to award special certification to companies with gender equity policies; the "111 Thousand Plan", whose aim was to train, in four years, 100,000 programmers, 10,000 professionals and 1,000 entrepreneurs to meet the demand for workers in knowledge-based industries; the New Trades for Women Programme; the Women's Entrepreneurship Programme of the Centre for Women's Economic Development; and the Spotlight Initiative of the European Union and the United Nations, under which Argentina had secured funding to implement the Win-Win Programme, designed to transform private companies into agents of change for the empowerment of women.

6. Since its last appearance before the Committee, Argentina had made significant progress in the fight against trafficking in persons. On 31 July 2018, the President had launched a new national plan to combat the trafficking and exploitation of persons for the period 2018–2020, in accordance with Act No. 26.364, as amended, on the prevention and

punishment of human trafficking and victim assistance. In the past 10 years, there had been 301 convictions for the crime of trafficking, 236 of which had related to trafficking for the purposes of sexual exploitation and 60 to trafficking for the purposes of labour exploitation. The victims of trafficking for the purposes of sexual exploitation were overwhelmingly women, whereas 195 men had been trafficked for the purposes of labour exploitation as compared with 151 women. Trafficking for labour exploitation mostly affected migrants in sectors such as the garment industry, agriculture, forestry, street vending, construction, retail and domestic work.

7. In the light of an alarming increase in the number of femicides, the Government had taken steps to combat violence against women, including the adoption of Act No. 27.210, creating a body of lawyers specializing in violence against women, and Act No. 27.452, creating a system of compensation for the children of femicide victims. The Women's Office of the Supreme Court and the National Institute for Women had instituted programmes to combat violence against women, while the National Action Plan on the Prevention, Punishment and Eradication of Violence against Women provided for support for victims and for awareness-raising, among other measures.

8. **Ms. Brandy** (Argentina) said that the National Institute for Women also coordinated a working group on rural women which was working to improve rural women's access to support services throughout the country.

9. **Ms. Diaz Frers** (Argentina) said that inflation was an important factor in pushing low- and middle-income families into poverty. The Government had so far had little success in its efforts to address the causes of inflation, notably the depreciation of the peso, which in turn was caused by financial market volatility and macroeconomic imbalances, including fiscal and trade imbalances. However, it was implementing a number of programmes to mitigate the adverse effects of inflation, including through the application of price controls on key food products and a programme to make good quality food products available at affordable prices by organizing markets in towns and cities. Steps were also being taken to support and subsidize school and community canteens and to promote healthier diets. Several ministries were delivering food security programmes.

10. **Ms. Brandy** (Argentina) said that, according to the National Statistics and Census Institute, Argentina had a housing deficit equivalent to about 25 per cent of the existing housing stock, with the result that 3.5 million families struggled to find adequate housing. Related problems included uncertainty over landownership and the lack of basic services, social services and green spaces. In 2016, the Government had conducted the first national survey of poor neighbourhoods, a "poor neighbourhood" being defined as one containing more than eight families living together or next to each other who did not possess land titles and had no regular access to two or more of three basic services: running water, metered electricity and sewerage. The survey had identified more than 4,416 such neighbourhoods — home to some 4 million people — which had subsequently been entered into a national register. The overwhelming majority of poor neighbourhoods did not have formal access to basic services. In demographic terms, it was estimated that about 40 per cent of the inhabitants of such neighbourhoods were under 15 years of age; 70 per cent were under 29 years of age. Only 11 per cent of inhabitants aged 16 years or over participated in formal employment; 22 per cent worked informally and 24 per cent were unemployed, with the remainder receiving pensions, working independently or performing domestic work. Following the survey, the Government had issued more than 150,000 families with certificates providing proof of address, which would allow them to carry out administrative formalities and to access basic services.

11. In March 2018, the Government had established the Secretariat for Socio-Urban Integration within the Ministry of Health and Social Development, with powers to draw up and implement policies to transform neighbourhoods and improve living standards. The Secretariat promoted comprehensive neighbourhood development plans covering aspects such as improvements to public and community spaces, road and sanitation works, the creation of parks and access to public transport, health, education and culture; it also funded drinking water, sanitation, urban infrastructure and housing projects.

12. The Chamber of Deputies had passed a bill on socio-urban integration and the regularization of landownership, which provided for the suspension of evictions for four years. The bill would empower the Ministry of Health and Social Development to implement a programme of socio-urban integration and would authorize the State Property Administration Agency to initiate proceedings for the expropriation of properties located in the poor neighbourhoods included in the national register as of 31 December 2016 in the event that no agreement could be reached with the residents. It also provided for the establishment of a special regulatory framework for the regularization of landownership in respect of the properties identified in the national register. A trust fund would be set up to cover the costs of expropriation and socio-urban integration projects. Lastly, the bill stipulated that at least 25 per cent of works undertaken in poor neighbourhoods should be awarded to local cooperatives or associations. Relocations were envisaged as a last resort, to be carried out only in cases of environmental hazards and with the family's consent, thus avoiding any forced evictions.

13. More than 30,000 families had been able to access housing under the Argentine Bicentennial Single-Family Housing Credit Programme, which had been relaunched in 2016. Under the Programme, subsidies averaging 300,000 pesos had been granted to families to assist them in purchasing a home. The Programme had a youth savings component, which was intended to help 20,000 young people become homeowners in 2019. The National Housing Plan had already resulted in the construction of over 30,000 homes and a further 60,000 were currently under construction. An additional 5,000 housing units were due for delivery under the Programme's urban development component and through public-private projects.

14. Evictions were infrequent and generally did not become violent. It would be helpful to the delegation if the Committee could cite specific cases where it had heard that violence had occurred so that clarifications could subsequently be given in writing. Eviction orders resulted when people committed criminal offences, such as occupation of premises, or as a result of civil disputes arising for instance from a failure to comply with the terms of a lease. The authorities for the most part sought to negotiate with squatters to secure their consent to withdraw from the premises they occupied. In Buenos Aires, a public square had been occupied for some 20 years. The local government had provided the squatters with subsidies, financial support and help in finding new housing to assist in their removal. The provision of such support depended on the circumstances of the people being removed. Families with children were likely to benefit from assistance from family welfare services, for example.

15. A national programme for the issuance of land deeds in rural areas was aimed at helping to solve the landholding issues affecting large numbers of farmers. It had already granted deeds for plots totalling over 40,000 hectares to over 1,000 farmers. A plan known as the Plan Colonias was aimed at establishing settlements in rural areas, with a view to increasing production and ensuring sustainability among farmers and their families. In the past two years, nearly 10,000 farmers' families had benefited from activities to provide clean water and sanitation services in rural areas. An ambitious national water plan was currently being implemented; it improved sewage disposal and access to clean water not only in rural areas, but also in towns and cities. The delegation could provide further details in writing on such activities.

16. **Ms. Oizerovich** (Argentina) said that, consistent with the Sustainable Development Goals, Argentina had in 2016 adopted a universal health-care coverage plan with the aim of ensuring that everyone would receive the care they needed, with appropriate access, free of charge. As the public health system already provided care free of charge, the plan focused on eliminating inequalities in access and services by strengthening public medical services. The federal Government had begun working with the provinces on three main themes: community health, interoperable information and computer systems, and the quality assessment and evaluation of services. In each province, a separate, scalable project had to be adopted in support of the plan. Of the country's 24 provinces, 20 had already adopted such projects and had moved forward to different degrees with their implementation. The federal Government was working with the provincial authorities to define a digital health-care strategy and a family and community health strategy, both of which were aimed at

consolidating the achievements of the universal health-care coverage plan. Part of the plan called for a transfer of resources to support primary care.

17. The Incluir Salud programme was run by the National Disability Agency and allowed beneficiaries of non-contributory pension funds to have access to quality health services through the transferral of funds to the provinces. The beneficiaries included mothers with more than seven children, older persons living in poverty, persons living with disabilities who were unfit for employment and veterans of the Malvinas conflict. The specific list of beneficiaries was established by the National Congress. The transfer in early 2018 of the programme's administration to the National Disability Agency had thus not altered the number or types of beneficiaries covered.

18. One of the strategies implemented by the federal health authorities for the removal of barriers to abortion involved a permanent training programme for non-governmental organizations (NGOs), provincial health workers, lawyers and supervisory staff on sexual and reproductive rights and on the legal framework for abortions and on respect for human rights and diversity. The strategy was implemented with the involvement of local lawyers, jurists from the federal health authority and civil society and human rights groups, doctors and other experts. Annual meetings were held with the same participants. A toll-free number had been established to receive complaints regarding access to abortion services, which allowed the authorities to intervene when necessary. In addition, for the first time, the awareness campaign about abortion rights had made use of posters to publicize the right to legal abortions and the related protocol published in 2015 by the National Sexual Health and Responsible Procreation Programme.

19. A plan for the prevention of unwanted pregnancy among adolescents had been put forward by the Office of the President and was being implemented by the Ministry of Health and Social Development, with efforts concentrated in the country's north-eastern and north-western provinces. One aspect of the plan was aimed at strengthening efforts to combat sexual violence and sexual abuse of children and adolescents and ensuring easier access to abortions, in accordance with the law.

20. Eight of the provinces had not adopted the 2015 national protocol. While the federal health authorities did not have legal jurisdiction over their decisions, the provinces must abide by constitutional provisions and federal laws governing the rights of patients. The Criminal Code established specific cases that were exceptions to the penalization of abortion and stated that persons meeting the criteria for legal abortions must be assisted by both the federal and provincial authorities, and the Supreme Court had ruled that the health authorities, including provincial ones, must implement the protocols that were applicable within the legal framework. Some of the provinces that had not adopted the 2015 national protocol were complying with it in practice, for example by adopting their own protocols; others, however, had worked to hamper implementation and block access to legal abortions. The federal authorities were concentrating their efforts on working with the latter provinces to get them to provide the appropriate care, in accordance with the law, for example through the use of medical referral to other jurisdictions.

21. When medical staff invoked conscientious objection to deny patients abortion services, it was the responsibility of their medical establishments to ensure the patients' rights and provide quality services promptly. The national authorities constantly carried out gender-sensitive human rights training for medical professionals. Conscientious objection was an individual right, and as such, it could not be invoked by a medical establishment; in any event it must not be used to restrict access to abortion services. The transfer to universal health coverage had not reduced the availability of medicines for sexual and reproductive health. Such medicines were financed directly by the responsible division of the national Ministry of Health and Social Development, which had recently purchased a large number of doses of the abortion-inducing drug misoprostol in order to provide a method of safe abortion. Once approved, the drug would be included in the basket of mandatory drugs established by the authorities.

22. A decree had been issued in March 2017 on the subject of assisted housing for persons requiring mental health services, and the Ministry of Health and Social Development and the Ministry of the Interior were working to draw up the administrative

mechanisms required to set up such housing. Recommendations had been adopted for the establishment of inclusive housing, along with other recommendations in the field of labour and employment, relating to the provision of community-based mental health services. There were plans to conduct the first national census of persons interned for mental health treatment.

23. The Government supported the promotion of health and preventive medicine through the adoption of a proactive protection model, one of the objectives of which was the prevention of non-communicable diseases and obesity. One aspect of the fight against obesity was the inclusion in the Food Code of provisions restricting the use of trans-fats. An interministerial programme against obesity among children and adolescents had been adopted in April 2018, and a number of laws, for example on food labelling, sodium, trans-fats and food advertising, had been submitted and were under consideration in the National Congress. There were initiatives to ratify the Framework Convention on Tobacco Control of the World Health Organization (WHO), and taxes on tobacco had been raised in May 2016 and in December 2017.

24. **Mr. Zerbini Ribeiro Leão** said that the number of new trade unions had reportedly been falling significantly since the end of 2015 and asked what could explain such a trend. While he understood that social benefits were provided to people who failed to accumulate sufficient contributions to qualify for the contributory State pension, he was concerned that cuts and reductions in the pension system could leave many people in poverty. What measures were being taken to avoid such a problem?

25. **Mr. Sadi** said that he would like to know whether the delegation considered the problem of trafficking in women to be related to poverty. He noted that the Government had stiffened penalties in an attempt to combat human trafficking. It would be useful if the delegation could provide details about cases in which traffickers had been convicted and punished, including the sentences handed down and the number of such cases. Had the imposition of such sanctions been effective in curbing the phenomenon? Noting that the International Monetary Fund had recently provided support amounting to US$ 50 billion to the country, he asked whether that would help to combat inflation.

26. **Mr. Chen** (Country Task Force) said that it would be helpful to the Committee if statistical information could be provided in writing.

27. **Mr. De Schutter** said that he was concerned about the Government's answer, contained in paragraph 133 of the replies to the list of issues, to a question raised by the Committee addressing the use of chemical agricultural products, in particular glyphosate. In an annex to its reply, the Government had cited studies that had found that the use of that product, one of the main ingredients of certain herbicides, did not pose a health threat. Those studies had been financed by the Government, which supported the product's use, and possibly failed to consider the impact of glyphosate when it was applied in combination with other products. Chemical products were used widely in agriculture in Argentina, yet the International Agency for Research on Cancer, a WHO body, had identified some, including glyphosate, as having a high probability of being carcinogenic. Did the Government intend to phase out the use of such products as soon as possible to ensure compliance with article 12 (2) (b) of the Covenant and with paragraph 36 of general comment No. 14 on the right to health?

28. **Ms. Shin** said that it was regrettable that Argentina had recently lost an opportunity to liberalize its abortion laws and asked what specific provisions were in place to deal with situations where medical personnel invoked conscientious objection to refuse to perform abortions. Was there a specific referral system at medical establishments to ensure that patients would have access to abortion services in such circumstances?

29. Did Argentina have a coherent State policy regarding the performance of unnecessary surgery on intersex persons? Were decisions about such surgery made entirely by parents and doctors? The Committee would like to find out whether interventions that were required owing to the hormonal treatment of intersex persons were covered by medical insurance and what legal provisions applied when people developed genders that were different from the ones assigned to them at birth and wanted to become transgender.

Lastly, it would be of interest to the Committee to know if any studies had been carried out about the situation of intersex and transgender people in Argentina.

30. **Ms. Liebenberg** (Country Task Force) said that the public shadow report submitted by NGOs, including the Centro de Estudios Legales y Sociales (CELS) and the Asociación Civil por la Igualdad y la Justicia (ACIJ), had specifically cited 44 cases of violent eviction across the country and had also indicated that there was a lack of official information on how evictions were carried out.

31. The Committee had in its previous concluding observations pointed out the need for a framework national law that would include guarantees of alternative accommodation and due process. A number of treaty bodies had called upon Argentina to ratify the WHO Framework Convention on Tobacco Control. It would be helpful if the delegation could provide more information on the effort to ratify the Convention and to give the Committee some idea of when it might be ratified.

32. **Mr. Uprimny** (Country Rapporteur) said that the low labour participation rate of women and the concentration of women workers in the care sector was of concern. What plans did the Government have to increase the provision of services in poor areas with a view to increasing women's labour participation? As part of an anti-fraud campaign, the Government had reportedly cancelled some 78,000 disability pensions in a single year, without carefully verifying the cases or ensuring due process. A large number of the beneficiaries in question had thus seen their payments cut off without notice, only to have them later reinstated by the courts. He asked the delegation whether the Government planned to reverse the decision to cancel benefits and to examine the cases more carefully.

33. The Committee was concerned at reports that Emergency Decree No. 70/2017 had placed undue restrictions on the provisions of the Migration Act (No. 25.871), thereby hindering migrants' access to employment and social services and making it more difficult for them to regularize their status. He would be grateful for the delegation's comments on whether the Government was considering withdrawing the Decree.

34. The Committee had received reports of restrictions on trade unions, including abuse of the compulsory conciliation arrangements, the imposition of heavy fines on unions representing truck drivers and teachers, and the annulment of unions' internal election results by the Ministry of Production and Labour. It would helpful to hear how the Government guaranteed the right to freedom of association.

35. **Mr. Mancisidor de la Fuente** (Country Task Force) said that he would welcome clarification on the proportion of lands traditionally owned by indigenous communities that had been surveyed in implementation of Act No. 26160 of 2006. Details would be welcome on the measures taken to ensure the full participation of indigenous populations in the land survey process and on the related dispute resolution mechanisms in place. He wished to hear about the steps being taken to prevent forest clearance on indigenous lands, particularly in connection with Reserva Grande and Lhaka Honhat, the latter having been the subject of a number of recommendations from the Inter-American Commission on Human Rights with which the State party had not complied. The Committee had received information that consultation processes taking place regarding extractive activities in Jujuy, Salta, Neuquén and Chubut did not adhere to established standards. Information would be appreciated on the Government's plans to initiate a consultation process and provide compensation for any harm caused in connection with lithium extraction activities affecting water sources in the traditional lands of the Coranzuli-Intillaku community in Cerro Coyamboy in Jujuy. He would be interested to hear the delegation's comments on the case of the Mapuche indigenous leader Facundo Jones Huala, who had been extradited to Chile by the State party on 5 September 2018 despite a request for interim measures by the Human Rights Committee.

36. The State party had in place a number of commendable plans and initiatives in the area of education, including its target of investing 6 per cent of gross domestic product in education. It would be helpful to learn whether the Government was committed to achieving that target despite the austerity measures being applied. He would welcome more details on how the Progresar scholarship scheme would improve the dropout rate in the State party. Given the wide disparities between provinces in the provision of pre-primary

education, it would be interesting to hear how the authorities would ensure that those provinces that were lagging behind could catch up. Further information would be welcome on the policies in place to ensure that persons with disabilities could access quality education at all levels. He wished to hear about any plans to provide education on human rights and to include sexual and reproductive health education in secondary schools.

37. The Committee would welcome up-to-date information on bilingual education programmes, including the increase in the numbers of indigenous students in such programmes and of trained teachers from indigenous backgrounds. It was unclear whether the programmes in place were respectful of indigenous identities across all subjects. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Chaná and Tehuelche indigenous languages were critically endangered; it would be helpful to learn what steps the Government was taking to protect those languages and the rights of persons who spoke them. The Committee would welcome the delegation's comments on reports that the 2015 amendments to legislation regulating the media hindered access to radio licences for indigenous communities.

38. In the area of cultural heritage, the Committee was concerned at reports criticising the State party's management of UNESCO World Heritage Sites and would appreciate details of how the Government intended to ensure those sites were suitably protected.

The meeting was suspended at 11.45 a.m. and resumed at 11.55 a.m.

39. **Ms. Diaz Frers** (Argentina) said that, since the introduction of legislative amendments in 2017, pension benefits were adjusted every three months rather than every six months. The adjustments were calculated on the basis of changes in the consumer price index and the average taxable income of State employees, thereby protecting retired persons from the effects of inflation. All persons aged 65 years or over who had made no or incomplete contributions to the pension system were entitled to a universal benefit.

40. One of the aims of the support provided by the International Monetary Fund was to combat inflation and reduce public sector spending to the lowest possible level. The outcome of those measures would be seen in 2019.

41. **Ms. Brandy** (Argentina) said that the use-of-time survey, which had last been conducted in 2013, would be repeated in 2019 or 2020. Under the National Early Childhood Plan, which had been launched in 2016, 5,000 additional childcare places for children under the age of 4 years had been added nationwide with the aim of helping mothers to return to work.

42. Persons in receipt of non-contributory invalidity pensions who had had their entitlement withdrawn because they had not reported on their circumstances within the designated time frame had had their payments restored once they had provided the documentary evidence requested. Following the application of Resolution No. 268/2018, a free telephone helpline had been set up to enable persons whose payments were suspended to lodge an appeal within 10 working days.

43. **Mr. Schapira** (Argentina) said that eviction proceedings fell under the competence of provincial authorities. Due process was guaranteed and evictions were carried out only when a court order had been issued.

44. Emergency Decree No. 70/2017 had amended only a small number of articles of the Migration Act, thereby allowing for the application of a summary procedure for expelling foreign nationals who had been in conflict with the law or who had entered the country in an irregular manner. The procedure had been the subject of a hearing at the Inter-American Commission on Human Rights, at which the Government had set forth the constitutional basis for it. Within the National Migration Directorate, there was a unit to review decisions; approximately 1,000 cases had been deemed constitutional, while 1 case was still before the Supreme Court. The Directorate was making great efforts to reduce waiting times for appointments, and had regularized the situation of 560,000 migrants within a two-year period. Of more than 120,000 Venezuelans who had arrived in the country, more than 70,000 had already had their situation regularized by the authorities. Between January 2017 and September 2018, only 171 persons had been expelled from Argentina. The Directorate was opening more offices around the country and would soon move all procedures to an

online platform, meaning that migrants would need to attend only one appointment during the processing of their case. It was hoped that the time frame for regularization would be reduced from 12 to 6 months.

45. In the Lhaka Honhat case, indigenous communities had laid claim to 600,000 hectares of land that was home to a large Creole population. Following a ruling by the Inter-American Commission on Human Rights allocating 400,000 hectares to indigenous communities, work was ongoing to survey the land and negotiate with the Creole communities. The Government was committed to resolving the situation and had submitted to the Commission a plan that would be rolled out over a period of eight years. However, the plan had been rejected by the indigenous communities, and the Commission had taken the decision to refer the case of the Inter-American Court of Human Rights.

46. The request by Chile to extradite Facundo Jones Huala had been issued during the presidency of Michelle Bachelet. Following a lengthy legal process, the request had been approved by the Argentine Supreme Court. The request for interim measures made by the Human Rights Committee had been received two days before the scheduled date of Mr. Jones Huala's extradition. His removal had nevertheless gone ahead, since all guarantees of due process had been adhered to and the rule of law operated satisfactorily in Chile.

47. A large number of regulations were in place regarding the use of agrochemical substances and were based on WHO classifications. In the previous two years, more than 40 products have been removed from the list of approved substances following recommendations made by WHO. The Secretariat for the Environment and the Secretariat for Agriculture had formed a working group together with representatives of government entities and other stakeholders to establish good practices in that area.

48. **Ms. Oizerovich** (Argentina) said that the right to conscientiously object to performing a legal abortion applied to individuals, not to institutions. If a woman was refused an abortion on such grounds, she should be referred to another medical practitioner in the same or another establishment so that she could undergo the procedure. The 0800 telephone line had been set up to improve access to legal abortions. Social organizations informed the Directorate of Sexual and Reproductive Health of instances in which women were refused such abortions.

49. Under Act No. 26743 on gender identity, gender assignment or reassignment surgery was not permitted without the consent of the individual concerned. In cases where surgery was required for medical reasons, the individual's sex was not changed. The Ministry of Health and Social Development had been taking the necessary steps to ensure that transgender persons had access to the appropriate hormone treatment. Training on the surgical procedures involved in sex-change operations had also been provided to the relevant medical staff.

50. The Government was undertaking the necessary preparatory work to promote the ratification of the WHO Framework Convention on Tobacco Control and had introduced the National Tobacco Control Programme to support those efforts. It had also taken steps to ban tobacco advertisements, raise taxes on tobacco products, designate no-smoking areas and introduce nicotine replacement therapies.

51. **Mr. Szuchet** (Argentina) said that the Constitution guaranteed the rights of trade unions. The courts had intervened in the cases of trade unions subjected to fines and had reduced the amount payable, which served as a clear demonstration of a well-functioning justice system. The data on trade unions requested by the Committee would be provided in writing at a later date.

52. As to combating human trafficking, the Government recognized the gravity of the situation and had taken steps to address the matter. Human trafficking, however, remained a transnational problem that transcended borders and affected all segments of society. Concerted action would therefore be required at the regional level in order to make demonstrable progress towards tackling the phenomenon.

53. **Mr. Miguens Campos** (Argentina) said that the Government had pledged to maintain its investment in education at 6 per cent of gross domestic product under the Purmamarca Declaration and had further enshrined that commitment in the education bill

currently before parliament. It remained committed to reducing the national dropout rate, particularly at the secondary school level, and had launched a number of initiatives to promote school attendance, including the Progresar scholarship scheme for 8 to 24-year-olds from disadvantaged backgrounds. Almost one million students had registered with the Progresar scheme to date, around 76 per cent of whom were girls. A pilot project had also been launched in Buenos Aires Province to encourage children to attend school; it included a school attendance monitoring and alert system. Any child deemed at risk of dropping out received tailored multidisciplinary support. The Secundaria Federal 2030 programme also aimed to encourage young persons to complete their compulsory education. It focused on redesigning the institutional structure of secondary schools and improving the level of teaching in all subjects. Furthermore, efforts had been made to strengthen digital education and information and communications technology policies and develop an innovative model of education to ensure that young persons had the requisite skills to succeed in the labour market. Continuous teacher-training programmes had also been formulated which included modules on engaging students in education and tackling school dropout rates.

54. Action was under way to promote universal access to preschool for 3-year-olds, particularly those from disadvantaged backgrounds. Comprehensive support services for poorer families had been made available, additional classrooms had been built, and more teachers had been recruited in a bid to improve preschool and primary school attendance levels. In 2017, 42.8 per cent of children aged 3 years and 87.1 per cent of children aged 4 attended preschool, and 98 per cent of children aged 5 attended primary school, which represented a marked increase as compared to 2015.

55. Steps had been taken across all levels of the national education system to harmonize and improve sexual and reproductive health education, including through the introduction of a national day devoted to gender equality and combating gender-based violence, the development of courses on sexual and reproductive health for trainee teachers and the establishment of sexual and reproductive health teams in all schools.

56. Indigenous children had a right to bilingual intercultural education, and corresponding educational models, including teacher-training handbooks, had been devised that respected and promoted the indigenous ethnic identity, language, culture and world view. Federal round tables had been held to discuss access to education for indigenous children and annual school censuses were conducted to obtain the views of indigenous pupils and monitor the level of bilingual intercultural education provided. Two scholarship programmes had recently been introduced to increase the number of indigenous children attending primary and secondary school. The first programme aimed to support indigenous pupils to complete their secondary school education and the second focused on increasing the number of indigenous students completing teacher-training courses. To date, beneficiaries of the two scholarship programmes had been awarded a total of 41 million and 60 million pesos respectively.

57. **Mr. Szuchet** (Argentina) said that the Government remained committed to respecting the rights of indigenous peoples. It had introduced the National Indigenous Communities Land Survey Programme for all 1,638 recognized indigenous communities. To date, 57 per cent of indigenous communities had taken part in the survey. One-off acts of violence against indigenous peoples during court-ordered evictions had been duly investigated. The National Institute of Indigenous Affairs was responsible for acting as a mediator on behalf of the indigenous communities affected and offered legal support and assistance where appropriate. Additional information regarding individual eviction cases would be provided in writing at a later date.

58. Decree No. 1732/96 had established the Reserva Grande in the Chaco province, with a surface area of 306,800 hectares. The three peoples living in the reservation had formed the Mowitob association and efforts were under way to map the area. The Government continued to mediate between the indigenous groups and the Creole population in an effort to reach an agreement on boundaries and settle the land dispute.

59. The Government had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and was in the process of giving effect to the right of indigenous peoples to prior, free and informed consent on

matters affecting their communities. Although there were currently no protocols or laws governing the consultation process, consultations had been held with indigenous community leaders and a bill had been tabled before parliament with the aim of establishing a formal consent mechanism. The National Institute of Indigenous Affairs was currently participating in 21 consultation processes in various provinces. The Government also intended, as part of its Justice 2020 Programme, to hold several face-to-face meetings and a videoconference event to brainstorm possible rules for prior, free and informed consent.

60. The Government continued to take steps to protect critically endangered indigenous languages and had established intercultural focus points to promote and protect the ethnic identity and culture of indigenous communities. It had also published and distributed leaflets in the six main indigenous languages on the rights of indigenous peoples and would be organizing a series of activities for the International Year of Indigenous Languages in 2019. The National Arts Fund also provided support to indigenous people to promote their culture and languages.

61. The Interministerial Round Table of Indigenous Peoples had been established in 2016 and gave indigenous peoples and their leaders the opportunity to discuss matters affecting their communities. The National Institute of Indigenous Affairs was responsible for the functioning of the Round Table and organized regular meetings with different government ministries in order to harmonize national policies on indigenous community matters as part of that mandate.

62. **Mr. Uprimny** said that he would like to thank the delegation for the open and constructive dialogue. Argentina faced challenging times ahead. The Committee's concluding observations would enable the State party to further advance and consolidate economic, social and cultural rights in that context.

63. **Mr. Foradori** (Argentina) said that, despite the present difficulties facing the country, his Government remained committed to ensuring respect for human rights in all areas and would uphold the rights of its citizens under the Covenant.

The meeting rose at 1 p.m.